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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION  
17

18 FACEBOOK, INC.,

19 Plaintiff,

20 v.

21 POWER VENTURES, INC. a Cayman Island  
corporation, STEVE VACHANI, an individual;  
22 DOE 1, s/b/a POWER.COM, DOES 2-25,  
inclusive,

23 Defendants.  
24

Case No. 5:08-cv-05780-LHK (JCS)

**FACEBOOK'S REPLY IN SUPPORT  
OF REQUEST FOR INJUNCTIVE  
RELIEF**

Dept: Courtroom 8, 4th Floor  
Judge: Hon. Lucy H. Koh

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1 **I. INTRODUCTION**

2 Defendants' opposition is based on the false premise that "[Defendants'] actions did not  
3 violate the statutes at issue." Dkt. No. 357 at 8. Liability is not the issue at this point. Pursuant  
4 to the Court's May 1, 2013 order, Facebook's entitlement to injunctive relief is the *only*  
5 remaining issue properly addressed in the parties' supplemental briefs. Dkt. No. 342 at 21.  
6 Defendants' argument about whether Vachani is properly enjoined is outside the scope of this  
7 briefing, as the issue of Vachani's liability has already been fully briefed and submitted. And in  
8 any event, whether or not Vachani is ultimately found to be individually liable, it is clear that he  
9 is a party properly enjoined under Rule 65.

10 The Court has already ruled that Defendants violated the CAN-SPAM Act, the Computer  
11 Fraud and Abuse Act ("CFAA"), and California Penal Code section 502. Under Ninth Circuit  
12 law, each of these statutes entails an entitlement to statutory injunctive relief, particularly where,  
13 as here, bad faith conduct has been found. Moreover, Facebook is also entitled to an injunction to  
14 prevent further irreparable harm given that monetary damages are inadequate, the balance of  
15 equities favors Facebook, and an injunction is in the public interest.

16 **II. OBJECTIONS TO VACHANI'S UNSIGNED, INCOMPETENT DECLARATION**

17 The Declaration of Steven Vachani submitted in support of Defendants' opposition brief  
18 violates this Court's Local Rules and thus should not be considered at all. As an initial matter,  
19 Vachani's declaration is unsigned. Defendants' opposition documents were not filed using  
20 Vachani's ECF credentials, and Defendants failed to comply with the attestation requirements of  
21 Local Rule 5-1(i)(3). N.D. Cal. R. 5-1 (i)(3).<sup>1</sup>

22 In addition to violating Local Rule 5-1's signature requirement, Vachani's declaration also  
23 plainly violates Local Rule 7-5(b), which provides:

24 [D]eclarations may contain only facts, must conform as much as possible to the  
25 requirements of Fed. R. Civ. P. 56(e), and *must avoid conclusions and argument*.

26 <sup>1</sup> See, e.g., *Hines v. CA PUC*, No. C-07-4145 CW, 2009 U.S. Dist. LEXIS 20037, at \*7 (N.D. Cal.  
27 Mar. 3, 2009) ("Any declarations or affidavits that are unsigned will not be considered");  
28 *Paralyzed Veterans of Am. v. McPherson*, No. C-06-4670 SBA, 2008 U.S. Dist. LEXIS 69542, at  
\*37 (N.D. Cal., Sept. 9, 2008) (same); see also *Rowland v. Chappell*, 902 F. Supp. 2d 1296, 1336  
(N.D. Cal. 2012) (rejecting pro se litigant's unsigned declaration).

1 Any statement made upon information or belief must specify the basis therefor.  
 2 An affidavit or declaration not in compliance with this rule may be stricken in  
 whole or in part.

3 N.D. Cal. R. 7-5(b) (emphasis added). Vachani's declaration is replete with conclusions and  
 4 legal arguments that he is not competent to testify to and that are outside the scope of Vachani's  
 5 personal knowledge. For example, Vachani's declaration contains incompetent (and incorrect)  
 6 legal conclusion testimony such as (1) "Power... relaunched on Facebook in full compliance with  
 7 [Facebook's] terms of use;" (2) "the header information on the emails at issue in this case was  
 8 accurate;" and (3) "Power did not obtain [anything]...of value from Facebook." Dkt. No. 357-1  
 9 ¶¶ 9, 13, 15. Statements such as these constitute impermissible lay opinion testimony that  
 10 violates this Court's Local Rules and the Federal Rules of Evidence alike. *See* Fed. R. Evid. 701,  
 11 702.

12 Vachani's declaration also contains conclusory statements that are devoid of foundation  
 13 such as the assertions that Facebook has not received any complaints about Defendants' conduct,  
 14 that "[no one] has claimed to have been misled by anything we did," and that "Facebook refused  
 15 to grant a reasonable amount of additional time necessary for Power to complete their Facebook  
 16 Connect integration." Dkt. No. 357-1 ¶¶ 8, 14. Nothing in Vachani's declaration establishes his  
 17 personal knowledge regarding these statements, *see* Fed. R. Evid. 602, which are each irrelevant  
 18 in any event, *see* Fed. R. Evid. 401.

19 The issues raised in Vachani's declaration—such as whether Defendants complied with  
 20 Facebook's terms of use, whether Defendants' email header information was misleading, whether  
 21 Defendants took anything of value from Facebook's network, or whether Defendants' complied  
 22 with the Federal Rules concerning discovery—have already been decided. For example,  
 23 Magistrate Judge Spero recently noted that Vachani's conduct during discovery was inexcusable,  
 24 evasive, and sanctionable. Dkt. No. 356 at 2 & 7. Vachani's declaration is simply irrelevant to  
 25 Facebook's entitlement to injunctive relief; it does not tend to make any fact of consequence to  
 26 the Court's injunction analysis more or less probable. Fed. R. Evid. 401. Defendants may not  
 27 obtain reconsideration of the Court's previous findings simply by submitting an incompetent  
 28 declaration. Vachani's declaration is irrelevant, lacks foundation, asserts incompetent lay

1 opinion testimony, and violates the Court's local rules. It should be stricken. N.D. Cal. R. 7-5(b).

### 2 **III. DISCUSSION**

3 As set forth in Facebook's Supplemental Memorandum of Points and Authorities in  
4 Support of Request for Injunctive Relief, filed on August 1, 2013, Facebook is entitled to a  
5 statutory injunction based on Defendants' established violations of the CAN-SPAM Act, the  
6 CFAA, and California Penal Code section 502. Moreover, Facebook is also entitled to an  
7 injunction because of the irreparable nature of the harms caused by Defendants' unlawful  
8 conduct, Defendants' inability to pay monetary damages, the balance of equities between the  
9 parties, and the public's interest in enforcement of the statutes at issue.

#### 10 **A. Defendants' Bad Faith Violations of Law Entitle Facebook To A Statutory** 11 **Injunction.**

12 Defendants concede that their intent is relevant to ascertaining Facebook's entitlement to a  
13 statutory injunction. *See* Dkt. No. 357 at 8. Bad faith conduct underlying a statutory violation  
14 weighs heavily in favor of injunctive relief under Ninth Circuit precedent. *See, e.g., Brock v. Big*  
15 *Bear Market No. 3*, 825 F.2d 1381, 1383 (9th Cir. 1987) ("a finding of bad faith...weigh[s]  
16 heavily in favor of granting a prospective injunction"); *Solis v. United Buffet, Inc.*, No. 11-cv-  
17 4194 RMW, 2012 U.S. Dist. LEXIS 26413, at \*13 (N.D. Cal., Feb. 29, 2012) (citing *Brock*).

18 This Court has already held that "Defendant Vachani's own statements provide  
19 compelling evidence that he anticipated attempts to block access by network owners and  
20 intentionally implemented a system that would be immune to such technical barriers." Dkt.  
21 No. 275 at 17; *see id.* at 15-17 (discussing evidence of Defendants' intent to circumvent security  
22 measures and conceal their activities).

23 Thus, the Court's finding that Defendants undertook deliberate efforts to circumvent  
24 Facebook's security measures is sufficient to establish a reasonable likelihood of future violations  
25 for purposes of obtaining an injunction under Ninth Circuit law. *See Tagged, Inc. v. Doe*, No. C  
26 09-01713 WHA, 2010 U.S. Dist. LEXIS 5428, at \* 33-34 (N.D. Cal., Jan. 25, 2010) (bad faith  
27 efforts to circumvent security measures suggested likelihood of future violations); *see also*  
28 *Craigslist Inc. v. 3Taps Inc.*, No. CV 12-03816 CRB, 2013 U.S. Dist. LEXIS 116732, at \*12- 14



(N.D. Cal., Aug. 16, 2013) (“3Taps had to circumvent Craigslist’s IP blocking measures to continue scraping, so it indisputably knew that Craigslist did not want it accessing the website at all”).

Defendants argue that their intentions were wholly innocent because (1) they never misappropriated data from Facebook; (2) their “express and obvious intent” was to communicate “non-deceptive information” through the subject emails; and (3) they fully complied with Facebook’s terms of service. But the Court has already determined that the undisputed evidence establishes that Defendants *did* misappropriate Facebook data in contravention of Facebook’s terms of service and *did* send numerous deceptive emails to Facebook users. Dkt. No. 275 at 14. The MSJ Order further states that Defendants *knowingly* “took, copied, or made use of data from Facebook website without Facebook’s permission to do so” in violation Facebook’s terms of service, California Penal Code section 502, and the CFAA. *Id.* at 14-18.

Finally, Defendants’ argument that they stopped using their scraper program and stopped evading Facebook’s technical measures after Facebook initiated this lawsuit does not diminish Facebook’s entitlement to injunctive relief under the circumstances presented. *See Brock*, 825 F.2d at 1383 (holding that it was error for the district court to deny injunctive relief on the basis of post-lawsuit compliance) (citing *Dunlop v. Davis*, 524 F.2d 1278, 1281 (5th Cir. 1975) (“current compliance ...is no bar to prospective injunctive relief, especially where compliance is achieved only by the direct scrutiny of enforcement authorities”)).

### **1. Defendants’ Violations Of Law Cause Irreparable Harm.**

Defendants’ violations of law cause irreparable harm to Facebook’s goodwill because Defendants’ conduct deceives Facebook users about the source of Defendants’ misleading e-mails. *See Hotmail Corp. v. Van\$ Money Pie Inc.*, No. C98-20064 JW, 1998 U.S. Dist. LEXIS 10729, at \*20-21 (N.D. Cal., Apr. 16, 1998) (confusion and loss of goodwill caused by spam constitutes irreparable harm); *Optinrealbig.com, LLC v. Ironport Sys., Inc.*, 323 F. Supp. 2d 1037, 1050 (N.D. Cal. 2004) (“Damage to a business’ goodwill is typically an irreparable injury because it is difficult to calculate.”); *Amazon.com, Inc. v. Powers*, No. C12-1911RAJ, 2012 U.S. Dist. LEXIS 182831, 35 (W.D. Wash., Dec. 27, 2012) (granting injunctive relief despite lack of

1 direct evidence of injury to goodwill because circumstances suggested sufficient likelihood of  
 2 injury to goodwill); *see also Beacon Mut. Ins. Co. v. OneBeacon Ins. Group*, 376 F.3d 8, 17 (1st  
 3 Cir. 2004) (rejecting argument that “only *direct* evidence (with no room for inference) may  
 4 establish harm to goodwill”). Defendants’ violations of law also injured Facebook’s goodwill by  
 5 tarnishing user experiences. *See Myspace, Inc. v. Wallace*, 498 F. Supp. 2d 1293, 1305-06 (C.D.  
 6 Cal. 2007) (negative impact on user experience sufficient to establish irreparable harm).

7 Defendants incorrectly argue that Facebook cannot establish irreparable harm because  
 8 Facebook’s “ubiquitous presence in all things digital make [sic] it inconceivable” that Facebook  
 9 users would be deceived by Defendants’ misleading emails. Dkt. No. 357 at 9. The Court has  
 10 already decided this issue against Defendants and concluded that Defendants’ e-mail  
 11 communications to Facebook users were “materially misleading.” This holding necessarily  
 12 entails a finding that Facebook users who received the subject e-mails were likely to be deceived  
 13 as to the identity of the sender. Dkt. No. 275 at 12-13.

14 Defendants also argue that Facebook has not produced evidence that its reputation has  
 15 been damaged by Defendants’ conduct. However, Facebook has provided evidence establishing  
 16 that deceptive spam messages (such as the e-mails sent by Defendants) detracted from Facebook  
 17 user experiences and were the source of complaints by Facebook users. *See* Dkt. No. 226-2 ¶ 5.  
 18 Further, as this Court found, Defendants specifically designed software capable of circumventing  
 19 Facebook’s security measures to send *at least* 60,000 deceptive e-mails to Facebook users, Dkt.  
 20 No. 275 at 9 (“Defendants’ spamming activity was ongoing, prolific, and did not stop after  
 21 requests from” Facebook.); *compare Myspace*, 498 F. Supp. 2d at 1305-06.

## 22 **2. Defendants Concede That Monetary Damages Are Inadequate.**

23 As explained in depth in Facebook’s moving papers, monetary damages are insufficient in  
 24 this case because (1) damages would not prevent the need for repetitive litigation resulting from  
 25 Defendants’ likely future violations of law; (2) damages cannot safeguard against use of  
 26 Facebook data misappropriated by Defendants; and (3) of Defendants’ lack the ability to actually  
 27 satisfy any monetary judgment rendered against them. *See* Facebook’s Supplemental  
 28 Memorandum of Points and Authorities re: Injunctive Relief at 9-11 (filed under seal).

Defendants do not dispute these claims. Rather, Defendants aver that “damages were avoidable” because of Defendants’ purported willingness to cooperate with Facebook. Dkt. No. 357 at 10. The notion that Defendants cooperated with Facebook is belied by the record, which clearly demonstrates Defendants’ bad faith efforts to circumvent Facebook’s security measures, to conceal their unlawful conduct through use of rotating IP addresses, and to leverage Facebook’s blocking efforts into media publicity. Dkt. No. 275 at 15-18. More importantly, Defendants’ incorrect statement that damages “were avoidable” is irrelevant in any event. The question is whether monetary damages are an adequate remedy under the circumstances; they are not. *See eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 390 (2006) (laying out four factor test for evaluating appropriateness of injunctive relief); *see also Hilao v. Marcos (In re Estate of Marcos)*, 25 F.3d 1467, 1480 (9th Cir. 1994) (insolvency may render monetary remedies inadequate).

**3. The Record Evidence Establishes That The Balance Of Hardships Overwhelmingly Weighs In Favor Of An Injunction.**

Facebook has established that it suffered significant harm as a result of Defendants’ unlawful activities, including incurring substantial costs attempting to stop Defendants’ prolific spamming campaign and injury to Facebook’s goodwill. Defendants do not dispute that the requested injunction would protect Facebook from such harms. Nor do Defendants even attempt to argue that the balance of hardships tips in their favor.

Instead, Defendants complain that the requested injunction is overbroad because it “threatens Vachani’s employability.” Dkt. No. 357 at 10. No evidence supports this supposition. Notably, Vachani’s five-page declaration in support of Defendants’ Opposition says nothing about any threat to his future employment. Defendants’ assertion that the requested injunction could limit Vachani’s employment options is nothing more than rank speculation, and as such, this argument cannot impact the balance of hardships calculus. *See, e.g., D.R. v. Antelope Valley Union High Sch. Dist.*, 746 F. Supp. 2d 1132, 1149 (C.D. Cal. 2010) (“Defendant does not even mention any hardship it would suffer...other than the mere speculation...Accordingly, the Court finds that the irreparable harm to Plaintiff overwhelmingly tips the balance of hardships in favor

of Plaintiff.”); *Ortega-Peraza v. Ilchert*, No. C-92-4972 MHP, 1993 U.S. Dist. LEXIS 2195, at \*16 (N.D. Cal., Mar. 1, 1993) (rejecting argument that injunction would impose undue burden where argument was based on “mere speculation”); *see also Schneider, Hill & Spangler, Inc. v. Cudmore*, 325 F. Supp. 173, 177 (D. Conn. 1971) (rejecting argument “as too remote and speculative to be weighed in the balance of hardships”).

Because district courts routinely afford the type of relief Facebook requests, and because there is no evidence of any hardship that will befall Defendants as a result of the requested injunction, the balance of hardships clearly weighs in Facebook’s favor. *See Microsoft Corp. v. Neoburst.Net, LLC*, No. C-03-00718 RMW, 2004 U.S. Dist. LEXIS 18733, at \* 2-4 (N.D. Cal., Aug. 30, 2004) (permanently enjoining defendant from violating the CAN-SPAM Act, CFAA, Cal. Penal Code § 502, or plaintiff’s terms of use); *see also FTC v. Flora*, No. SACV11-00299-AG-(JEMx), 2011 U.S. Dist. LEXIS 121712, at \*8-9; 13-14 (C.D. Cal., Aug. 12, 2011) (permanently enjoining violation of CAN-SPAM Act and use of customer data); *Facebook, Inc. v. Fisher*, No. C 09-05842 JF (PSG), 2011 U.S. Dist. LEXIS 9668, at \* 8 (N.D. Cal., Jan. 26, 2011) (permanently enjoining defendant from “accessing and abusing Facebook services”).

#### 4. The Public Has No Interest In Promoting Defendants’ Illegal Conduct.

There can be no serious dispute that the public’s interest in the enforcement of the CFAA, CAN-SPAM Act, and California Penal Code section 502 strongly favors an injunction. *See, e.g., Craigslist, Inc. v. Troopal Strategies, Inc.*, No. C 09-04741 JW, 2011 U.S. Dist. LEXIS 156825, at \*11 (N.D. Cal., July 12, 2011) (public interest weighed in favor of injunction enjoining violations of CFAA); *FTC v. Phoenix Avatar, LLC*, No. 04 C 2897, 2004 U.S. Dist. LEXIS 14717, at \*42 (N.D. Ill., July 30, 2004) (finding that the “public has an important interest” in enjoining “continued violations of the law”).

Defendants argue, without explanation, that an injunction would somehow deter “innovators and start-up companies.” Dkt. No. 357 at 11. But the injunction Facebook requests would not deter any *lawful* conduct; Defendants are only subject to an injunction because they violated state and federal law. “[P]rohibiting people from accessing websites they have been banned from” does not threaten “ordinary behavior” on the internet. *3Taps*, 2013 U.S. Dist.

1 LEXIS 116732, at \*16. Good faith innovators do not use “anonymous proxies to bypass an IP  
 2 block set up to enforce a banning communicated via personally-addressed cease-and-desist  
 3 letters.” *Id.* To the extent the CFAA and CAN-SPAM Act have “impacts on innovation,  
 4 competition, and the general ‘openness’ of the internet...it is for Congress to weigh the  
 5 significance of those consequences and decide whether amendment would be prudent.” *Id.* at  
 6 \*25. Ultimately, the “deterrent effect on others not parties to this suit is hardly a proper element”  
 7 in assessing the propriety of an injunction against Defendants. *Cudmore*, 325 F. Supp. at 177.

8 **B. Vachani Is Properly Subjected To The Requested Injunction.**

9 Defendants argue that an injunction prohibiting Vachani from further violations of law is  
 10 “inappropriate.” Dkt. No. 357 at 6. Defendants cite no authority for this proposition. In fact, the  
 11 only case cited by Defendants (Dkt. No. 357 at 6) regarding the propriety of enjoining Vachani  
 12 individually stands for the proposition that an individual who has “formulated, directed,  
 13 controlled or participated” in statutory violations *is* properly subjected to an injunction. *FTC v.*  
 14 *Sili Neutraceuticals, LLC*, No. 07 C 4541, 2008 U.S. Dist. LEXIS 105683, at \*7 (N.D. Ill., Jan.  
 15 23, 2008) (citing *FTC v. Amy Travel Serv., Inc.*, 875 F.2d 564, 573-74 (7th Cir. 1989)).<sup>2</sup> As  
 16 Defendants’ own case law makes clear, Vachani’s “knowledge...is the key issue in this case.”  
 17 *Amy Travel Serv.*, 875 F.2d at 573. The Court has already determined that Vachani personally  
 18 “anticipated attempts to block access by network owners and intentionally implemented a system  
 19 that would be immune to such technical barriers” in order to gain authorized access to Facebook’s  
 20 network. Dkt. No. 275 at 17.

21 **1. An Injunction Against Power Necessarily Reaches Vachani Under**  
 22 **Rule 65.**

23 By its express terms, Federal Rule of Civil Procedure 65 “establishes that an injunction  
 24 may bind not only parties to the action but also ‘their officers, agents, servants, employees, and  
 25 attorneys, and [upon] those persons in active concert or participation with them.’” *Comedy Club,*  
 26 *Inc. v. Improv West Assocs.*, 553 F.3d 1277, 1287 (9th Cir. 2009) (citing Fed. R. Civ. P. 65(d)).

27  
 28 <sup>2</sup> Superseded by statute on other grounds as stated in *Hehemann v. City of Cincinnati*, No. 93-  
 3766, 1994 U.S. App. LEXIS 37215, at \*5 (6th Cir., Dec. 21, 1994) (unpublished).

Here, putting aside for a moment the fact that Vachani is himself party to this action that should be held individually liable for the reasons set forth in prior briefing, there can be no question that Vachani is a person who may be enjoined under Rule 65 as an officer and agent of a corporate entity already adjudged to have violated the CAN-SPAM Act, CFAA, and California Penal Code section 502. *See id.* Thus, even if the Court does not ultimately find Vachani personally liable, he is still subject to an injunction against Power because he is an officer of Power and he actively participated in the conduct that this Court found violated the law. *See, e.g., Saga Int'l v. John D. Brush & Co.*, 984 F. Supp. 1283, 1287 (C.D. Cal. 1997).

## 2. Vachani Should Be Enjoined In His Individual Capacity.

As noted in the lone case cited by Defendants, an individual who has “formulated, directed, controlled or participated” in statutory violations is properly subjected to an injunction. *Sili Neutraceuticals*, 2008 U.S. Dist. LEXIS 105683, at \*7.<sup>3</sup> An individual is personally liable for a corporation’s violations of law if the individual “participated directly in the acts or practices or had authority to control them and had actual knowledge” of such violations. *E.g., FTC v. Cyberspace.com, LLC*, 453 F.3d 1196, 1202 (9th Cir. 2006) (internal quotations and citations omitted). Neither total dominance over the corporation nor unilateral action are required to invoke use a court’s injunctive power over a corporate officer in her individual capacity. *See id.*

There is no serious dispute about Vachani’s personal control and direction of Power’s malfeasance in this case, and the issue of Vachani’s personal liability has already been fully briefed. Vachani is himself a party to this litigation in his individual capacity, and undisputed evidence—including Vachani’s own testimony—establishes that Vachani personally formulated, directed, and controlled violations of the CAN-SPAM Act, CFAA, and California Penal Code section 502. Indeed, Magistrate Judge Spero recently found Vachani personally liable for the payment of sanctions against Defendants for his “personal conduct” including “being unprepared, evasive and argumentative” during the Rule 30(b)(6) deposition of Defendant Power Ventures. As such, Vachani should be enjoined from further violations in his individual capacity. *See, e.g.*,

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<sup>3</sup> The district court’s analysis in *Sili Neutraceuticals* does not support Defendants’ argument that injunctions may only be granted against individuals were “public health” is implicated.

1 *Cyberspace.com*, 453 F.3d at 1202. A contrary outcome would permit Vachani to simply  
 2 incorporate under a new name and continue his unlawful scraping on Facebook's network. *See*  
 3 *FTC v. Kitco of Nevada, Inc.*, 612 F. Supp. 1282, 1296 (D. Minn. 1985) ("Snelling and Farkas  
 4 used various corporate entities to pursue their illegitimate business activities and an injunction  
 5 restraining the now-defunct Kitco would have no effect. A broad injunction is necessary to  
 6 protect the public from further violations of the FTC Act"). Moreover, an injunction against  
 7 Vachani is particularly appropriate here given his control over Power's defense of the instant  
 8 litigation. *See Saga Int'l*, 984 F. Supp. at 1287 (noting that person "directly involved in shaping  
 9 the outcome" of litigation may be subjected to injunction under the doctrine of privity) (citing *G.*  
 10 *& C. Merriam Co. v. Webster Dictionary Co.*, 639 F.2d 29, 38 (1st Cir. 1980) for the proposition  
 11 that even a *non-officer* who exercised control over the litigation may be bound by an injunction).

12 Defendants' argument that subjecting Vachani to the requested injunction would threaten  
 13 Vachani's employability lacks merit. Facebook has already revoked Vachani's permission to  
 14 access Facebook's website, and thus any future access by Vachani would be unauthorized. *See*  
 15 *3Taps*, 2013 U.S. Dist. LEXIS 116732, at \*12- 14 (defendant's access of Craigslist's website  
 16 after Craigslist revoked defendant's permission was "unauthorized" for purposes of CFAA).

#### 17 **IV. CONCLUSION**

18 For the reasons stated, Facebook respectfully requests that the Court issue the permanent  
 19 injunction Facebook seeks.

21 Dated: August 22, 2013

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